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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

David Allen Harbour,

Defendant.

CR- 19-00898-PHX-DLR (DMF)

**GOVERNMENT'S AND DEFENDANT'S  
SUPPLEMENTAL QUESTIONS FOR  
JUROR QUESTIONNAIRE AND  
REVISIONS TO STATEMENT OF THE  
CASE**

Pursuant to the Court's order (Doc. 133), the Government hereby submits three additional questions to be considered for inclusion in the proposed Juror Questionnaire and has no proposed changes to the statement of the case.

1. Apart from what you already have told us, how many of you, or members of your immediate family, ever have had any employment, training, or experience in these fields:

- a. Accounting
- b. Bank lending
- c. Financial investments

2. Including retirement plans and college savings plans, how many of you have invested money in stocks, bonds, futures, derivatives, hedge funds, offshore accounts,

1 offshore investment programs, or some other investment plan or program? Please tell us  
2 the nature of your portfolio, being sure to mention any investments that might be  
3 characterized as non-mainstream or untraditional. [Note: Defendant objects to this  
4 question on the basis that it is prejudicial and could suggest that certain types of  
5 investments that are not “mainstream” are also illegal.]

6 3. Apart from what you already have told us, have any of you, or members of your  
7 immediate family, ever have had any employment, training, or experience in the payday  
8 lending industry or a similar high-interest, non-conventional lending industry? [Note:  
9 Defendant objects to the use of the term “non-conventional.”]

10 Mr. Harbour submits the following additional questions<sup>1</sup> to be considered for  
11 inclusion in the proposed Juror Questionnaire [Doc. 133], and the following revisions to  
12 the statement of the case and Question 21 of the Court’s proposed questionnaire:

13 **Statement of the Case:**

14 This is a criminal case being prosecuted by the United States. The defendant is  
15 charged with twenty-six (26) counts involving a fraudulent scheme that are alleged to have  
16 occurred between about January 2010 through July 2019:

17 Counts 1-10: Wire fraud

18 Counts 11-12: Mail fraud

19 Counts 13-23: Transactional money laundering

20 Count 24: Tax Evasion

21 Count 25: False Statement

22 Count 26: Obstruction

23 The defendant has entered pleas of not guilty to all charges.

24 **Question 21:**

25 It is expected that trial will last up to four weeks and be conducted May 18, 2021,  
26 through June \_\_, 2021. Trial will be held \_\_\_\_ through \_\_\_\_ the 1<sup>st</sup> week; \_\_\_\_ the 2<sup>nd</sup>

27 \_\_\_\_\_  
28 <sup>1</sup> Mr. Harbour reserves the right to request additional questions depending on the  
evolution of the COVID-19 pandemic as the trial date approaches.

1 week, \_\_\_\_\_ the 3<sup>rd</sup> week, and \_\_\_\_\_ the 4<sup>th</sup> week. Jury deliberations could go beyond  
2 those dates. Would this schedule and/or length of trial create any undue hardship for you?  
3 If yes, please explain in detail. **[The government believes that this case will take 2-3**  
4 **weeks to try including defense case and deliberations.]**

5 **Additional Questions:**

6 1. Have you, or anyone you know, ever worked in any of the following agencies or  
7 departments:

- 8 a. U.S. Attorney's Office
- 9 b. County attorney, district attorney, or another prosecutor's office
- 10 c. U.S. Department of Justice
- 11 d. State court system
- 12 e. Federal court system
- 13 f. City court system
- 14 g. Federal Bureau of Investigation
- 15 h. Sheriff's department
- 16 i. Police department
- 17 j. DPS or state police or troopers
- 18 k. Arizona Corporation Commission
- 19 l. Attorney General's office
- 20 m. Internal Revenue Service
- 21 n. Department of Revenue
- 22 o. Any other law enforcement agency

23 2. Do you have any strong feelings regarding the criminal justice system in this  
24 country, including but not limited to, your feelings about judges, prosecutors, FBI agents,  
25 IRS agents, or defense attorneys, that would prevent you from giving either the government  
26 or the defendant a fair hearing in this matter?

27 3. The Court is implementing procedures to encourage social distancing and minimize  
28 exposure to COVID-19 in the Courtroom setting. Even with these precautions, do you

1 have ANY concerns related to COVID-19 that would affect your ability to pay attention  
2 and fully concentrate on the evidence in this case? If yes, please explain. [The  
3 government believes that the Court adequately covers issues related to COVID-19.]

4 Respectfully submitted this 12th day of March, 2021.

5  
6 PAUL ANTHONY MARTIN  
7 Acting United States Attorney  
8 District of Arizona

9 s/ Kevin M. Rapp  
10 KEVIN M. RAPP  
11 COLEEN P. SCHOCH  
12 Assistant U.S. Attorneys

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on March 12, 2021, I electronically transmitted the attached  
15 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a  
16 Notice of Electronic Filing to the CM/ECF registrants who have entered their appearance  
17 as counsel of record.

18  
19 s/ Joy Faraj  
20 Joy Faraj  
21 U.S. Attorney's Office  
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